

**FORTY-FIRST DAY**  
(Thursday, March 24, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Father Charles Banks, Our Lady of Guadalupe Catholic Church, Austin, offered the invocation as follows:

O God, Creator and Source of our freedom, deepen our love for You and our fellow citizens of this State. Stir up within us the courage to face the responsibilities of serving in public office. Grant that we may think honestly and speak wisely, and make us ready also to listen to others. Bestow on us and all Your people Your own gift of love which is the bond of unity and peace. Help us to have God-like attitudes in dealing with the lives and property of others. Arouse in our hearts a thirst and hunger for justice. Before You ever formed us in our mother's wombs, You knew us. Instill within us a reverence for all of creation. Keep us mindful of the powerless and the unfortunate, in particular, the unemployed, the elderly, the unborn, the handicapped and the homeless. Deliver us from all hatred and prejudice. Heal our differences and hurts. Give us deep-feeling hearts and right-thinking minds filled with wisdom, vision and courage. Your power is indescribable — Your goodness and love are immeasurable. All honor and worship belong to You — now and forever — unto all eternity. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 24, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 55**, Congratulating the Willowridge High School football team.

**H.C.R. 96**, Inviting the Honorable Walter F. Mondale to address a Joint Session.

**H.C.R. 116**, Commending work of the Texas Emancipation Cultural Association to promote Juneteenth activities.

**H.C.R. 125**, Congratulating Hattie Mae Conn.

**H.C.R. 128**, Commending Felix Wilson.

**H.C.R. 129**, Commending Emmie Muenker.

**S.B. 94**, Relating to hunting and fishing and to the conservation of wildlife resources in all counties.

**S.B. 259**, Relating to the authority to fill a vacancy in the office of a joint district-county clerk.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

**S.B. 1100**  
**S.B. 458**  
**S.B. 459**

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

**S.B. 371**  
**S.B. 816**

Senator Jones submitted the following report for the Committee on Finance:

**S.B. 737**  
**S.B. 986**  
**S.B. 987** (Amended)  
**S.B. 501**  
**S.B. 614**  
**S.B. 670**  
**S.B. 713**  
**C.S.S.B. 594** (Read first time)  
**C.S.S.B. 817** (Read first time)  
**C.S.S.B. 1050** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 654**  
**S.B. 413**  
**S.B. 704**  
**S.B. 701** (Amended)  
**C.S.S.B. 762** (Read first time)  
**C.S.S.B. 872** (Read first time)  
**C.S.S.B. 500** (Read first time)  
**C.S.S.B. 634** (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 507**  
**S.B. 1034** (Amended)  
**S.B. 1180**  
**S.B. 1004**  
**S.B. 884** (Amended)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 873  
S.B. 1033  
S.B. 1018 (Amended)  
C.S.S.B. 588 (Read first time)  
C.S.S.B. 1027 (Read first time)  
C.S.S.B. 360 (Read first time)

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Jones and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1252 by Farabee Intergovernmental Relations  
Relating to the creation of the County Court at Law No. 2 of Wichita County and membership of the judge of that court on the county juvenile board.

S.B. 1253 by Vale Intergovernmental Relations  
Relating to the redesignation of County Courts at Law Numbers 4 and 6 of Bexar County as probate courts, and to the redesignation of County Court at Law Number 5 of Bexar County as County Court at Law Number 4.

S.B. 1254 by Traeger State Affairs  
Relating to the regulation of gas utilities.

S.B. 1255 by McFarland Economic Development  
Relating to investment securities.

S.B. 1256 by Uribe Finance  
Relating to an appropriation to the Texas Agriculture Experiment Station for research concerning the rice borer.

S.B. 1257 by Brooks Health and Human Resources  
Relating to establishment of a temporary emergency relief program in certain communities.

S.B. 1258 by Henderson, Whitmire Economic Development  
Relating to the regulation of certain business and insurance transactions under Subchapter E, Chapter 17, Business & Commerce Code.

S.J.R. 44 by Jones Finance  
Proposing a constitutional amendment revising the finance and taxation provisions of the Texas Constitution.

S.C.R. 55 by Lyon Administration  
In memory of E. W. Rowland.

### HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 64, To Committee on Economic Development.  
H.B. 197, To Committee on Jurisprudence.  
H.B. 266, To Committee on Jurisprudence.  
H.B. 304, To Committee on Jurisprudence.  
H.B. 377, To Committee on Jurisprudence.  
H.B. 842, To Committee on Economic Development.

**GUEST PRESENTED**

The President presented to the Senate his guest, Mrs. Peggy Rosson, Public Utility Commissioner.

Mrs. Rosson was welcomed by the Members of the Senate.

**SENATE RESOLUTION 307**

Senator Sharp offered the following resolution:

**S.R. 307**, Extending welcome to Dr. Robert A. Williamson, Capitol Physician for the Day.

The resolution was read and was adopted.

The Senate extended their appreciation to Dr. Williamson.

**SENATE RESOLUTION 379**

Senator Blake offered the following resolution:

WHEREAS, Unquestionably the most difficult challenge faced in the aftermath of the Capitol fire was that undertaken by the Preston Harvey Construction clean-up crew; and

WHEREAS, Facing a bleak prospect that would have disheartened less professional men, these dedicated workers sifted through the debris and rubble to salvage what they could; and

WHEREAS, Braving the noxious fumes on the second and third floors of the Capitol, this honest band of highly skilled workers soon made order of the chaos surrounding them; and

WHEREAS, Performing their duties in a most diligent and conscientious manner, these men expeditiously completed this arduous task in an extremely short period of time; and

WHEREAS, Recognized as representing the acme of the clean-up profession are Preston Harvey, Doug Greinert, Steve Hegar, Tom Phillips, Charles Pendergraff, Gary Urbanek, J. B. Prince, Kevin Harvey, Dolphus Harris, Tibor Lakey, Raymond Hayes, Ed Morrison, R. H. Joiner, Dwayne Hill, Billy Hart, Billy Hill, John Huggins, Wes Shaw, and James Herzog; now, therefore, be it

**RESOLVED**, That the Senate of the State of Texas, 68th Legislature, hereby commend the contributions and clean-up effort of these trustworthy individuals and thank them for a job well done; and, be it further

**RESOLVED**, That copies of this Resolution be prepared for these men as an expression of gratitude from the Texas Senate.

The resolution was read and was adopted.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
March 24, 1983

**TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE MEMBERS OF THE BOARD OF REGENTS FOR TEXAS WOMAN'S UNIVERSITY:**

For terms to expire January 10, 1989:

ELIZABETH B. SELLERS

3420 Albans

Houston, Texas 77005

(Mrs. Sellers is replacing Mrs. Lenore Waldrop, of Abilene, Taylor County, Texas, whose appointment was returned to this Governor.)

LAVONNE P. MASON

8102 Forest Mesa Drive

Austin, Texas 78759

(Mrs. Mason is replacing Mr. Samuel Ray Huffines, of Lewisville, Denton County, Texas, whose appointment was returned to this Governor.)

ROLAND BOYD

616 Finch Street

McKinney, Texas 75069

(Mr. Boyd is replacing Mr. James Lee Stephenson, Jr., of Dallas, Dallas County, Texas, whose appointment was returned to this Governor.)

TO BE A MEMBER OF THE VETERANS LAND BOARD:

For a term to expire December 29, 1986:

JACK M. RAINS

635 Knipp

Houston, Texas 77024

whose appointment was returned to this Governor and is being resubmitted for reappointment.

TO BE A MEMBER OF THE TEXAS JUDICIAL COUNCIL:

For a term to expire January 1, 1989:

THE HONORABLE RAY L. McKIM, of Odessa, Ector County, Texas, Presiding Judge of the Seventh Administrative Judicial District, whose appointment was returned to this Governor, and is being resubmitted to replace Judge Ross E. Doughty, Jr., of Uvalde, Uvalde County, Texas, whose term expired.

Respectfully submitted,

/s/Mark White

Governor of Texas

#### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

Senator Howard moved confirmation of the nominees reported by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

Senator Brooks requested that Sloan L. Kirk, Jr., to be a Member of Texas Health Facilities Commission be severed.

The request was granted.

#### NOMINEES CONFIRMED

The following nominees, not severed and as reported by the Subcommittee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent: Lyon, Washington.

Members, Board of Trustees, Employees Retirement System of Texas: JACK D. KYLE, Walker County (Appointed by the Supreme Court); GARY ROLAND RODGERS, Travis County.

Members, Texas Board of Human Resources: VICKI GARZA, Nueces County; J. LIVINGSTON KOSBERG, Harris County.

Members, Texas State Board of Examiners of Psychologists: MACY KINZEL, Nueces County; JOSEPH C. KOBOS, Ph.D., Bexar County; JOE D. ROBBINS, Bowie County; ELIZABETH J. ROHN, Kerr County; JOSEPH SIEGEL, Ph.D., Dallas County.

State Auditor of Texas: (Appointed by the Legislative Audit Committee) GEORGE W. McNIEL, Hays County.

Member, Texas Health Facilities Commission: W. G. (COTTON) KIRKLIN, Travis County.

Member, Texas Optometry Board: DR. BARRY JOEL DAVIS, Jefferson County.

Members, Advisory Council on Community Affairs: JUDGE SCOTT J. BAILEY, Eastland County; ROBERT E. BOLEN, Tarrant County; RICHARD D. BROWN, Travis County; CESAR GONZALEZ, Cameron County; DONALD W. HARRIS, Bexar County; DAVID R. NANCE, Jefferson County; WALTON BYRD REEDY, Bell County; LOUIS D. WHITEHEAD, Jeff Davis County.

Member, Commission on Jail Standards: GAYLE R. CARDEN, Hunt County.

Members, State Board of Morticians: JAMES BLUE BROUSSARD, Jefferson County; DR. MICHAEL KEARL, Bexar County; LOUIS NEWTON SPARKMAN, Jr., Dallas County.

Members, Board of Directors, Nueces River Authority: GEORGE A. FINLEY III, Nueces County; LESLIE H. LAFFERE, Uvalde County; JAMES C. STORM, Nueces County.

Members, State Board of Plumbing Examiners: STANLEY J. BRIERS, Harris County; J. P. FRANZEN, Dallas County; EDWARD LEE SMITH, Bexar County; EDWARD A. TSCHOEPE, Bexar County; WILLIAM G. WHEELER, Victoria County.

Members, Rio Grande Valley Municipal Water Authority: JUAN GARCIA, Willacy County; JOE J. GARZA, Cameron County; IGNACIA G. GUTIERREZ, Starr County; WILLIAM F. POWELL, JR., Hidalgo County; WILLIAM W. SCURLOCK, Hidalgo County; CARROLL DUNCAN STONE, Cameron County; PAUL G. VEALE, SR., Hidalgo County.

Members, State Pension Review Board: JOHN DEAN GORHAM, Travis County; NORMAN W. PARRISH, Harris County; DR. ROBERT LYLE ROUSE, Lubbock County.

Members, Upper Guadalupe River Authority: R. H. HOLEKAMP, D.D.S., Kerr County; DARRELL G. LOCHTE, Kerr County; MRS. BETTY STROHACKER, Kerr County.

Members, Texas Structural Pest Control Board: DAVID MELASS, Brazoria County; PERFECTO R. RODRIGUEZ, Fort Bend County.

Members, Texas Mining Council: LINTON BARBEE, Dallas County; FRANKLIN W. DAUGHERTY, Brewster County; GEORGE M. HAIL, JR., Harris County; JAMES EARL KELLUM, Dallas County; WILLIAM R. KELLY, El Paso County; JOHN H. MONTGOMERY, Anderson County; HENRY

MOAK ROLLINS, Ph.D., Travis County; EDWARD O. VETTER, Dallas County; MACK WALLACE, Travis County.

Members, Sabine River Authority of Texas: HAROLD M. SMOTHERMAN, Smith County; WILLIAM J. (BILL) BUTLER, Orange County; WILLIAM Y. RICE, Gregg County.

#### NOMINEE CONSIDERED

Senator Howard moved that Sloan L. Kirk, Jr., to be a Member of the Texas Health Facilities, be confirmed.

The Senate refused to confirm Mr. Kirk by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Blake, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Leedom, Lyon, McFarland, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Vale.

Nays: Brooks, Doggett, Edwards, Kothmann, Mauzy, Montford, Parker, Truan, Uribe, Whitmire, Williams.

Absent: Washington.

#### SENATE JOINT RESOLUTION 21 ON SECOND READING

Senator Sarpalius asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.J.R. 21**, Proposing a constitutional amendment relating to the associations of producers of agricultural commodities.

There was objection.

Senator Sarpalius then moved to suspend the regular order of business and take up **S.J.R. 21** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Mauzy.

Absent: Washington.

The resolution was read second time.

Senator Sarpalius offered the following amendment to the resolution:

Amend Section 2 of **S.J.R. 21** to read as follows:

**SECTION 2.** This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the advancement of food and fiber production and marketing in this state through research, education, and promotion financed by the producers of agricultural products."

The amendment was read.

Senator Howard offered the following amendment to the pending amendment:

Amend Floor Amendment No. 1 by striking "1983" and substituting "1984."

The amendment to the pending amendment was read.

On motion of Senator Howard and by unanimous consent, the amendment to the pending amendment was withdrawn.

Question recurring on the adoption of the pending amendment, the pending amendment was adopted.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the pending amendment.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

#### **SENATE JOINT RESOLUTION 21 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Washington.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

#### **MESSAGE FROM THE HOUSE**

House Chamber  
March 24, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 131**, Relating to the number of trustees in certain school districts and the validation of actions by a board of trustees improperly composed.

**S.B. 182**, Relating to the trade of public school land.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **SENATE BILL 607 ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 607**, Relating to the authority of associations of agricultural producers to collect self-imposed assessments.



The bill was read second time.

Senator Sarpalius offered the following amendment to the bill:

Amend S.B. 607 by striking all below the enacting clause and substituting the following:

SECTION 1. Subsection (a), Section 41.023, Agriculture Code, is amended to read as follows:

(a) The certified organization shall give public notice of:

(1) the date, hours, and polling places for voting in the referendum and election;

(2) The estimated amount and basis of the assessment proposed to be collected;

(3) whether a producer exemption is to be allowed in accordance with Section 41.082; and,

(4) a description of the manner in which the assessment is to be collected and the proceeds administered and used.

SECTION 2. Subsection (a), Section 41.082, Agriculture Code, is amended to read as follows:

(a) A producer may exempt his or her product sales from assessment by filing a signed request for exemption with the processor at the time of each sale unless the notice of referendum to authorize the assessment or to add new territory stated that such an exemption would not be allowed or unless any Board established prior to September 1, 1983 adopts a rule denying such an exemption. The processor shall include copies of the exemption requests with the remittance of collected assessments to the secretary-treasurer.

SECTION 3. This Act takes effect on adoption of the constitutional amendment proposed by S.J.R. 21, Acts of the 68th Legislature, Regular Session, 1983. If that amendment is not adopted, this Act has no effect.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Uribe offered the following amendment to the pending amendment:

Amend Floor Amendment 1 to S.B. 607 by adding a new SECTION 1 to read as follows and by renumbering the following sections:

"SECTION 1. Subsection (1), Section 41.002, Agriculture Code is amended to read as follows:

"(1) "Agricultural commodity" means an agricultural, horticultural, viticultural, or vegetable product, bees and honey, fish and other seafood, planting seed, livestock or livestock product, or poultry or poultry product, produced in this state, either in its natural state or as processed by the producer. The term does not include rice, flax, or cattle."

URIBE  
TRUAN  
WILLIAMS

The amendment to the pending amendment was read and was adopted.

Question recurring on the adoption of the pending amendment as amended, the pending amendment as amended was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### **SENATE BILL 607 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 607 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Washington.

(Senator Glasgow in Chair)

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

### **SENATE BILL 989 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 989**, Relating to certain fees charged by the secretary of state.

The bill was read second time and was passed to engrossment.

### **SENATE BILL 989 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 989 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE SENATE BILL 23 ON THIRD READING**

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 23**, Relating to the exemption of certain buildings of veterans' or fraternal organizations from ad valorem taxation.

There was objection.

Senator Williams then moved to suspend the regular order of business and take up C.S.S.B. 23 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Kothmann, Leedom, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Vale, Washington, Whitmire, Williams.

Nays: Harris, Jones, Lyon, Mauzy, McFarland, Traeger, Truan.

Absent: Uribe.

The bill was read third time and was finally passed.

#### RECORD OF VOTES

Senators Mauzy and Harris asked to be recorded as voting "Nay" on the final passage of the bill.

#### HOUSE CONCURRENT RESOLUTION 55

The President laid before the Senate the following resolution:

**H.C.R. 55**, Congratulating the Willowridge High School football team.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted.

#### SENATE BILL 605 ON SECOND READING

Senator Farabee asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 605**, Relating to the prohibition of discrimination in certain transactions concerning employment; providing penalties.

There was objection.

Senator Farabee then moved to suspend the regular order of business and take up **S.B. 605** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 605** by deleting SECTION 5.06 and renumbering the following sections accordingly.

The committee amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 605** (printed version) by:

(1) amending SECTION 1.02(1) to read as follows:

"(1) to provide for the execution of the policies embodied in Title VII of the federal Civil Rights Act of 1964, as amended (42 U.S.C. Section 2000e et seq., as amended), and to create an authority which meets the criteria under 42 U.S.C. Section 2000e-5(c) and 29 U.S.C. Subsection 633; and

(2) amending SECTION 4.04(a) by amending line 1, page 5 to read as follows:

“under the federal Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and:”

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 605** (printed version) by:

Deleting SECTION 5.06 in its entirety and renumbering the following sections accordingly.

The amendment was read and was adopted.

(President in Chair)

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 605** (printed version) by:

Amending SECTION 5.07 by adding a paragraph (3) to read as follows:

“(3) any labor union, firm, association or individual participating in a U.S. Department of Labor approved statewide home town plan at the time of passage of this Act.”

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 605** (printed version) by:

Amending the first sentence in SECTION 6.01(a) to read as follows:

“(a) A person claiming to be aggrieved by a discriminatory practice, that person’s agent, or a commissioner may file with the commission a written complaint, which shall be in writing under oath or affirmation, stating that a discriminatory practice has been committed, setting forth the facts on which the complaint is based, including the date, place, and circumstances of the alleged unlawful employment practice, and setting forth facts sufficient to enable the commission to identify the person charged (hereinafter referred to as the respondent).

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 605** (printed version) by:

Amending SECTION 6.01(c) by amending line 2, page 8, to read as follows:

“after such review, at least two of the three commissioners determine that”

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 605** (printed version) by:

Amending SECTION 7.01(a) by deleting the words “If within 30 days” on lines 15 and 16, page 9 and capitalizing the word “after” on line 16, page 9.

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 605** (printed version) by:

Amending SECTION 7.01(d)(1) by adding the words "and unemployment compensation benefits received" after the word "earnings" on line 49, page 9.

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend S.B. 605 (printed version) by:

1. Amending SECTION 6.02(b)(6) to read as follows:

"(6) the payment of costs and a reasonable attorney's fee. The state or an agency or a political subdivision of the state is liable for costs to the same extent as a private person, but shall not be liable for attorneys' fees; and"

2. Amending SECTION 7.01(d)(6) to read as follows:

"(6) the payment of court costs and a reasonable attorney's fee. The state or an agency or a political subdivision of the state is liable for costs to the same extent as a private person, but shall not be liable for attorneys' fees. In the case of handicapped employees or prospective employees, the court may take into account the reasonableness of the cost of any necessary work place accommodation and the availability of alternatives or other appropriate relief."

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend S.B. 605 by striking Article 10 in its entirety and substituting in lieu thereof the following:

#### ARTICLE 10. MISCELLANEOUS PROVISIONS

##### SECTION 10.01. EFFECT ON OTHER STATE OR FEDERAL LAWS.

Nothing contained in this Act shall relieve any government agency or official of the responsibility to assure nondiscrimination in employment as required under any other provision of the state or federal constitutions or laws.

SECTION 10.02. AMENDMENT OF EXISTING LAW. Subsection (a), Section 1, Chapter 72, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-16, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) No officer or employee of the state or of a political subdivision of the state, when acting or purporting to act in his official capacity, may:

"(1) ~~[refuse to employ a person because of the person's race, religion, color, sex, or national origin;~~

~~"[(2) discharge a person from employment because of the person's race, religion, color, sex, or national origin;~~

~~"[(3)] refuse to issue a license, permit, or certificate to a person because of the person's race, religion, color, sex, or national origin;~~

~~"(2) [(4)] revoke or suspend the license, permit or certificate of a person because of the person's race, religion, color, sex, or national origin;~~

~~"(3) [(5)] refuse to permit a person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;~~

~~"(4) [(6)] refuse to permit a person to participate in a program owned, operated, or managed by or on behalf of the state or a political subdivision of the state, because of the person's race, religion, color, sex, or national origin;~~

~~"(5) [(7)] refuse to grant a benefit to, or impose an unreasonable burden upon, a person because of the person's race, religion, color, sex, or national origin;~~

“(6) [(8)] refuse to let a bid to a person because of the person’s race, religion, color, sex, or national origin.”

SECTION 10.03. REPEALER. (a) Section 2a, Chapter 72, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-16, Vernon’s Texas Civil Statutes), is repealed.

(b) Chapter 327, Acts of the 58th Legislature, Regular Session, 1963 (Article 6252-14, Vernon’s Texas Civil Statutes), is repealed.

SECTION 10.04. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 10.05. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend S.B. 605 (printed version) by:

Amending SECTION 5.05(a) on lines 67 and 68 of page 5 to read as follows:

“(a) It is an unlawful and discriminatory practice for an employer, labor union or employment agency:”

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Leedom asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

#### SENATE BILL 605 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 605 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Leedom, Washington.

The bill was read third time and was passed.

#### RECORD OF VOTE

Senator Leedom asked to be recorded as voting “Nay” on the final passage of the bill.

#### COMMITTEE SUBSTITUTE SENATE BILL 108 ON SECOND READING

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 108**, Relating to the offer for sale, delivery, or display of certain glues or aerosol paints; providing a penalty.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 108 ON THIRD READING**

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

#### **RECORD OF VOTE**

Senator Howard asked to be recorded as voting "Nay" on the final passage of the bill.

#### **SENATE BILL 230 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 230**, Relating to the eligibility for unemployment compensation benefits of certain students.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend **S.B. 230** on page 3, line 51, by inserting the following between "employers" and "; and": "service performed in an apprenticeship training program, or service performed by a teaching assistant".

The amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 230 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 230** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 706 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 706**, Relating to the licensing of certain agents of legal reserve life insurance companies.

The bill was read second time and was passed to engrossment.

**SENATE BILL 706 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 706 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 125** - (Harris): Extending congratulations to Hattie Mae Conn.

**H.C.R. 128** - (Mauzy): Commending Felix Wilson.

**H.C.R. 129** - (Sims): Commending Emmie Muenker.

**S.R. 309** - By McFarland: Extending welcome to Michelle Badten.

**S.R. 310** - By McFarland: Extending welcome to Joanne Harris.

**S.R. 311** - By McFarland: Extending welcome to Jennifer Rankin.

**S.R. 312** - By McFarland: Extending welcome to Reid Phillips.

**S.R. 313** - By McFarland: Extending welcome to Carrie Crites.

**S.R. 314** - By McFarland: Extending welcome to Pat Connor.

**S.R. 315** - By McFarland: Extending welcome to Samantha Bane.

**S.R. 316** - By McFarland: Extending welcome to Nichole Wilkerson.

**S.R. 317** - By McFarland: Extending welcome to Ashley Armstrong.

**S.R. 318** - By McFarland: Extending welcome to Victor LeDonne.

**S.R. 319** - By McFarland: Extending welcome to Brad Holt.

**S.R. 320** - By McFarland: Extending welcome to James Grissel.

**S.R. 321** - By McFarland: Extending welcome to Lesley Hensell.

**S.R. 322** - By McFarland: Extending welcome to Erin Welch.

**S.R. 323** - By McFarland: Extending welcome to Amber Lewis.

**S.R. 324** - By McFarland: Extending welcome to Bryan Elliott.

**S.R. 325** - By McFarland: Extending welcome to Kelly Donnelly.

**S.R. 326** - By McFarland: Extending welcome to Danny Breitegan.

**S.R. 327** - By McFarland: Extending welcome to Jeff Hires.

**S.R. 328** - By McFarland: Extending welcome to Nora Brown.

**S.R. 329** - By McFarland: Extending welcome to Traci Davis.

**S.R. 330** - By McFarland: Extending welcome to Travis Dommert.

**S.R. 331** - By McFarland: Extending welcome to Stacey Holler.

**S.R. 332** - By McFarland: Extending welcome to Tony Hughes.



- S.R. 333 - By McFarland: Extending welcome to Tamara Kinley.
- S.R. 334 - By McFarland: Extending welcome to Laurie Lopez.
- S.R. 335 - By McFarland: Extending welcome to Melissa Mundorf.
- S.R. 336 - By McFarland: Extending welcome to Beth Orr.
- S.R. 337 - By McFarland: Extending welcome to Joan Pulliam.
- S.R. 338 - By McFarland: Extending welcome to Tracey Quackenbush.
- S.R. 339 - By McFarland: Extending welcome to Jeff Raines.
- S.R. 340 - By McFarland: Extending welcome to Tonya Rodes.
- S.R. 341 - By McFarland: Extending welcome to Kristina Schillo.
- S.R. 342 - By McFarland: Extending welcome to Monica Snyder.
- S.R. 343 - By McFarland: Extending welcome to Doug Welch.
- S.R. 344 - By McFarland: Extending welcome to Susie Satava.
- S.R. 345 - By McFarland: Extending welcome to Bill Carlisle.
- S.R. 346 - By McFarland: Extending welcome to Rendi Dailey.
- S.R. 347 - By McFarland: Extending welcome to Jimmy Hinds.
- S.R. 348 - By McFarland: Extending welcome to Pam McGettrick.
- S.R. 349 - By McFarland: Extending welcome to Ryan Miller.
- S.R. 350 - By McFarland: Extending welcome to Andy Welch.
- S.R. 351 - By McFarland: Extending welcome to Greg Harris.
- S.R. 352 - By McFarland: Extending welcome to Kim Breitegan.
- S.R. 353 - By McFarland: Extending welcome to Lea Borneman.
- S.R. 354 - By McFarland: Extending welcome to Dina Feragotti.
- S.R. 355 - By McFarland: Extending welcome to Tommy Mazzuchelli.
- S.R. 356 - By McFarland: Extending welcome to Shawn O'Neill.
- S.R. 357 - By McFarland: Extending welcome to Heather Adamo.
- S.R. 358 - By McFarland: Extending welcome to Kim Jones.
- S.R. 359 - By McFarland: Extending welcome to Missy McLellan.
- S.R. 360 - By McFarland: Extending welcome to Chris Milliorn.
- S.R. 361 - By McFarland: Extending welcome to Raleigh Phillips.
- S.R. 362 - By McFarland: Extending welcome to Eddie Duppstadt.
- S.R. 363 - By McFarland: Extending welcome to Randy Pitts.
- S.R. 364 - By McFarland: Extending welcome to John and Jean Webb.
- S.R. 365 - By McFarland: Extending welcome to Jimmy and Pat Hinds.
- S.R. 366 - By McFarland: Extending welcome to Mark and Gail Crites.
- S.R. 367 - By McFarland: Extending welcome to Gregg and Paul Breitegan.
- S.R. 368 - By McFarland: Extending welcome to Debbie Hinds.

**S.R. 369** - By McFarland: Extending welcome to Bill and Jane Carlisle.

**S.R. 370** - By McFarland: Extending welcome to Mrs. Joyce Miller.

**S.R. 371** - By McFarland: Extending welcome to Mrs. Barbara Harris.

**S.R. 372** - By McFarland: Extending welcome to Mrs. June Armstrong.

**S.R. 373** - By McFarland: Extending welcome to Mrs. Karen Herrin.

**S.R. 374** - By McFarland: Extending welcome to Jay R. Dailey.

**S.R. 375** - By McFarland: Extending welcome to Ron Lopez.

**S.R. 376** - By McFarland: Extending welcome to John Davis.

**S.R. 377** - By McFarland: Extending welcome to Jeff Holler.

**S.R. 378** - By McFarland: Extending welcome to Kenneth Phillips.

### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:25 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 28, 1983.

### **APPENDIX**

Sent to Comptroller  
(March 23, 1983)

**S.B. 345**

**S.B. 589**

Sent to Governor  
(March 24, 1983)

**S.B. 345**

**S.B. 589**

### **FORTY-SECOND DAY** (Monday, March 28, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

The Reverend Clarence Bassett, El Buen Pastor Presbyterian Church, Austin, offered the invocation as follows:

We give Thee thanks, O God, for this day, for all Thy working in our lives to this hour. Show us how to be faithful — faithful to those who have given their lives — faithful to those who have chosen us to serve in special ways. Give us understanding — understanding of all who differ with us; greater awareness of our own prejudices and weaknesses. Give us strength and courage and wisdom. Keep